

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th7a

October 28, 2004

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF CAPITOLA: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-04.** For public hearing and Commission action at its meeting of November 18, 2004, to be held in San Pedro at the Sheraton Los Angeles Harbor, 601 South Palos Verdes St.

SYNOPSIS

The City of Capitola is proposing to amend the Land Use Plan and Implementation Plan (Zoning Ordinance) of the Local Coastal Program to: 1) amend the Land Use Plan map to re-designate 0.5 acres of APN 034-101-35 from PF/VS (Public Facility/Visitor Serving) to R-MH (Residential-Mobile Homes) and to amend the zoning map for the same portion of this parcel from Public Facility/Visitor Serving/Parks to MHE (Mobile Home Exclusive); 2) amend the zoning ordinance to add more specificity to the procedures and standards for change of use or closure of mobile home parks.

The City Council held noticed public hearings regarding the amendment components.

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed Land Use Plan amendment for consistency with the Coastal Act and the proposed Zoning Ordinance amendment for consistency with the certified Land Use Plan. Issues raised by the proposed amendments include protection of moderate cost housing. As discussed in detail below, Staff recommends **approval** of Local Coastal Program Major Amendment No. 1-04 as submitted.

ANALYSIS CRITERIA

The Commission certified the City of Capitola's Land Use Plan in June 1981 and the City Council accepted this certification action in November 1981. The Implementation Plan was certified in January 1990 and the City accepted this certification action in April 1990. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Sections 30512(c), 30512.2, 30513, and 30514, and California Code of Regulations 13551 through 13553).

The proposed amendment affects the LUP and IP components of the City of Capitola LCP. The standard



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of review for land use plan amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act. The standard of review for implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to approve City of Capitola Land Use Plan Major Amendment #1-04 as submitted)

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

Motion: *I move that the Commission certify Major Amendment #1-04 to the City of Capitola Land Use Plan as submitted.*

Resolution to approve land use plan amendment as submitted: *The Commission hereby certifies Major Amendment #1-04 to the City of Capitola Land Use Plan as submitted and adopts the findings set forth below on the grounds that the amended land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.*



Resolution II. (Resolution to approve City of Capitola Implementation Plan Major Amendment No. 1-04 as submitted)

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission **reject** Major Amendment #1-04 to the City of Capitola Local Coastal Program Implementation Plan as submitted.*

Resolution to approve. *The Commission hereby **certifies** Major Amendment #1-04 to the Implementation Plan of the City of Capitola Local Coastal Program as submitted, and adopts the findings set forth below on grounds that the Implementation Plan, as submitted, is in conformity with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment meets the requirements of the California Environmental Quality Act because there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

The proposed amendment calls for the re-designation of a 0.5-acre portion of the existing Surf & Sand Mobile Home Park from PF/VS (Public Facility/Visitor Serving) to R-MH (Residential-Mobile Homes) and the rezoning of this same portion of the existing mobile home park from PF/VS/P (Public Facility Visitor Serving/Parks) to MHE (Mobile Home Exclusive) (see Exhibit 1). This portion of the existing mobile home park was given the designation/zoning of the adjacent railroad right-of-way. Although it is across the street from the shoreline, the 0.5-acre site does not appear to be an appropriate or logical visitor-serving site given the residential character of the surrounding neighborhood, the relatively small size of the site, and the lack of public parking facilities at the site. Also, the City of Capitola has a number of highly used visitor-serving sites and public parking areas that are concentrated in the Central Village area of the City. For these reasons, the proposed amendments to the land use and zoning maps are consistent with the existing use of this portion of the Surf & Sand Mobile Home Park parcel. The removal of the certified designation/zoning is appropriate because the property is not a particularly logical site for a visitor-serving, public facility, or parks use, and there are many other existing visitor-serving amenities nearby in the Central Village area of the City. Finally, as discussed below, Coastal Act Section 30604(g) encourages the provision of affordable housing opportunities, such as mobile homes, in the coastal zone. The proposed amendments to the land use and zoning maps will better meet the goal of Coastal Act Section 30604(g) than the current designation/zoning.

The proposed amendment also amends the zoning ordinance to provide more stringent procedures and standards for change of use or closure of mobile home parks in the City of Capitola (see Exhibit 2). The



amendment recognizes that mobile home parks provide an affordable housing option along this section of the California coast. Because of the unique situation and vulnerability of mobile home owners, state law limits the grounds on which mobile home owners may be evicted from a mobile home park, protects their right to sell their mobile homes, and authorizes local jurisdictions to impose reasonable measures to mitigate the adverse impacts on displaced mobile home owners when a mobile home park closes or converts to another use. Pursuant to state law, the proposed amendment incorporates procedures and standards for reviewing applications for change of use or closure of mobile home parks. The amendment also includes reasonable mitigation measures and protects residents from excessive rent increases and other intimidation tactics designed to pressure mobile home owners to relocate without receiving the assistance that is required pursuant to state law.

Coastal Act Section 30604(g) declares that the State Legislature finds it important for the Coastal Commission to encourage the provision of affordable housing opportunities, such as mobile homes, in the coastal zone. City of Capitola LCP Policy 1-1 calls for maintaining the existing character of Capitola Village and the surrounding residential areas. Policy 1-2 calls for the designation of certain existing residential areas as exclusively residential. The proposed amendment provides adequate protection of existing residential mobile home parks, adequate to implement the land use policies. Also, the proposed land use plan map amendment is consistent with the Coastal Act and the proposed zoning map amendment is consistent with the amended land use map. Staff recommends approval of the amendment as submitted.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendments, as submitted, will not have significant environmental effects, consistent with the California Environmental Quality Act.

